

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW TORO, on behalf of himself and all others
similarly situated,

Plaintiffs,

-against-

GREENFIELD WORLD TRADE, Inc.,
Defendant.

23-CV-3291 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

The Complaint in this action was filed on April 20, 2023. On August 15, 2023, in light of the fact that Defendant had not answered or otherwise made an appearance in this action, the Court ordered Plaintiff to file a motion for default judgment by August 31, 2023. *See* ECF No. 6. The Court notified Plaintiff that if he did not file a motion for default judgement by August 31, 2023, the Court could dismiss the Complaint. *Id.* The deadline has since elapsed and Plaintiff has not filed anything on ECF.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a district court may dismiss an action if “the plaintiff fails to prosecute or otherwise comply with [the] rules or a court order.” Fed. R. Civ. P. 41(b); *see also Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). “Dismissal for lack of prosecution or for failure to comply with an order of the court is a matter committed to the discretion of the district court.” *Caussade v. United States*, 293 F.R.D. 625, 629 (S.D.N.Y. 2013).

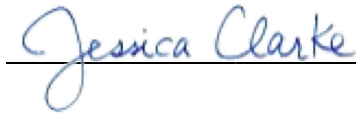
Here, Plaintiff has made no effort to prosecute this litigation since the filing of the complaint. *See Caussade*, 293 F.R.D. at 629 (collecting cases where delays of “several months”

warranted dismissal). Plaintiff was given notice on August 15, 2023 that this action could be dismissed if he did file a motion for default judgment, and he did not. ECF No. 6.

Because the Court has not received any response from Plaintiff to its August 15, 2023 Order, including any indication that Plaintiff intends to pursue this case, the instant action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to terminate all pending motions and close the case.

Dated: October 30, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Jessica Clarke". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

JESSICA G. L. CLARKE
United States District Judge